



# Alabama Geologist

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## State Hazardous Waste Regulations Include Requirements for Licensed Professional Geologists

*By: Fred Mason, Government Representative*

Modifications to the Alabama Hazardous Waste Management (HWM) Regulations were adopted on April 2, 1999 and include recognition of the Alabama Professional Geologists Licensing Act and the definition of Geologist. Other chapters of the HWM regulations require the use of a Professional Geologist or a Professional Engineer when they are trained and experienced in certain areas of ground water monitoring and data evaluation.

The Division 14 Hazardous Waste Program Administrative Code can be accessed on the ADEM Web Page at <http://www.adem.state.al.us> or can be purchased through the ADEM Legal Division. Sections of the regulations have been summarized below and indicate some overlap between the public practice of geology and engineering.

The first part of the regulations basically recognizes the engineers, land surveyors and geologists licensing acts, codes and provides a definition for each profession.

Chapter 335-14-1: Hazardous Waste Management System: General

335-14-1-.01(1) (e) Certain submissions required by this Division (335-14) involve the practice of engineering and/or land surveying, as those terms are defined in *Code of Alabama* 1975, as amended, § 34-11-1 to 34-11-37; and/or the practice of geology, as that term is defined in *Code of Alabama* 1975, as amended, §34-41-1 to 34-41-24. It is the responsibility of any person preparing or submitting such submissions to ensure compliance with these laws and any regulations promulgated thereunder, as may be required by the State Board of Registration for Professional Engineers and Land Surveyors and/or the Alabama Board of Licensure for Professional **Geologists**. All submissions, or parts thereof, which are required by State law to be prepared by a

licensed engineer, land surveyor, or **geologist**, must include the engineer's, land surveyor's, and/or **geologist's** signature and/or seal, as required by the applicable licensure laws.

### 335-14-1-.02 Definitions and References

**Geologist** means a person who holds a license as a professional geologist under the Alabama Professional **Geologist** Licensing Act.

### 335-14-5: Standards for Owners and Operators of HWM TSD Facilities

335-14-5-.06 Releases from Solid Waste Management Units

#### (1) Applicability.

(b) The owner or operator's regulated unit or units are not subject to regulation for releases into the uppermost aquifer under this Rule if:

335-14-5.06 4. The Department finds that there is no potential for migration of liquid from a regulated unit to the uppermost aquifer during the active life of the regulated unit (including the closure period) and the post-closure care period specified under 335-14-5.07(8). This demonstration must be certified by a licensed professional **geologist** and/or registered professional engineer. In order to provide an adequate margin of safety in the prediction of potential migration of liquid, the owner or operator must base any predictions made under this subparagraph on assumptions that maximize the rate of liquid migration; or

335-14-6 Interim Status Standards for Owners and Operators of Hazardous Waste TSD Facilities

### 335-14-6.06 Groundwater Monitoring

#### (1) Applicability.

(c) All or part of the groundwater monitoring requirements of this Rule may be waived if the owner or operator can demonstrate that there is a low potential for migration of

hazardous waste or hazardous waste constituents from the facility via the uppermost aquifer to water supply wells (domestic, industrial, or agricultural) or to surface water. This demonstration must be in writing, and must be kept at the facility. This demonstration must be certified by a licensed professional **geologist** and/or registered professional engineer and must establish the following:

1. The potential for migration of hazardous waste or hazardous waste constituents from the facility to the uppermost aquifer, by an evaluation of:
  - (i) A water balance of precipitation, evapotranspiration, runoff, and infiltration; and
  - (ii) Unsaturated zone characteristics (i.e., geologic materials, physical properties, and depth to groundwater); and
2. The potential for hazardous waste or hazardous waste constituents which enter the uppermost aquifer to migrate to a water supply well or surface water, by an evaluation of:
  - (i) Saturated zone characteristics (i.e., geologic materials, physical properties and rate of groundwater flow); and
  - (ii) The proximity of the facility to water supply wells or surface water.
- (d) If an owner or operator assumes (or knows) that groundwater monitoring of indicator parameters in accordance with 335-14-6-.06(2) and (3) would show statistically significant increases (or decreases in the case of pH) when evaluated under 335-14-6-.06(4)(b), he may, install, operate, and maintain an alternate groundwater monitoring system (other than the one described in

335-14-6-.06(2) and (3)). If the owner or operator decides to use an alternate groundwater monitoring system he must:

1. Submit to the Department a specific plan, certified by a licensed professional **geologist** and/or registered professional engineer, which satisfies the requirements of 335-14-6-.06(4)(d)3., for an alternate groundwater monitoring system;
- (4) Groundwater monitoring system.
  - (c) 2. Within 15 days after the notification under 335-14-6-.06(4)(d)1., the owner or operator must develop and submit to the Department a specific plan, based on the outline required under 335-14-6-.06(4)(a) and certified by a licensed professional **geologist** and/or registered professional engineer, for a groundwater quality assessment program at the facility.

#### **335-14-8: Permit Program**

##### **335-14-8.02(5) Contents of Part B: General requirements.**

- (a) Part B of the permit application consists of the general information requirements of this paragraph, and the specific information requirements in 335-14-8-.02(5) through (19) applicable to the facility. The Part B information requirements presented in 335-14-8-.02(5)

through (19) reflect the standards promulgated in Chapter 335-14-5. These information requirements are necessary in order for the Department to determine compliance with the Chapter 335-14-5 standards. If owners and operators of HWM facilities can demonstrate that the information prescribed in Part B can not be provided to the extent required, the Department may make allowance for submission of such information on a case-by-case basis. Information required in Part B shall be submitted to the Department and signed in accordance with requirements in 335-14-8-.02(2). As discussed in 335-14-1-.01(1)(e), certain technical data, such as design drawings and specifications, engineering studies, geological interpretations, **geological** cross-sections, geological profiles, and survey plats involve the practice of engineering, land surveying, and/or **geology** and must be certified by a registered professional engineer, a professional land surveyor, and/or a licensed professional **geologist**, as applicable.

There should be no misunderstanding that these regulations allow for the public practice of geology by anyone other than a Licensed Professional Geologist, or a Geologist in Training under the direction of a

LPG. There are some areas of overlap between professions as can be seen from reading these regulations especially in areas of ground water monitoring, however all professionals continue to be bound by their professional ethics and should not be working in areas where they are not qualified by training and experience. The Geologists and Engineers Boards have an agreement that when disputes arise or complaints of violation of these practice Acts are received a joint investigation will be conducted. The Alabama Board of Licensure for Professional Geologists continues to request that LPG's monitor and report violations of the Act.

## **Errors and Omission Insurance**

Most independent and some corporate employed geologist have needed to have some form of Errors and Omission Insurance. From time to time individuals have contacted the Board inquiring about sources of individual Errors and Omission insurance. Several companies nationwide offer professional Errors and Omission Insurance for geologist and hydrogeologist at varying costs. The Alabama Board of Licensure for Professional Geologists neither recommends nor endorses any specific insurance company or insurance plan. However, as a service to the Alabama Licensed Geologist we are compiling a list of companies that offer Errors and Omission Insurance for geologist.

Recently, a reasonably priced insurance plan has come to the attention of several licensed geologist who have passed the name to the board. The annual rate is approximately \$2,400. You can obtain more information by visiting the company's web site: <http://www.liability.com>. Design Professionals Insurance Companies can assist you in providing this insurance. Contact them to evaluate your professional liability needs.

## **Use of Stamp and Seal**

In recent months several individual licensed geologist and consulting firms have contacted the Board regarding when to use the stamp and seal on documents by multiple authors for submittal to clients and regulatory agencies.

The general recommended use of the stamp and seal is outlined in Policy statements 2 and 3 found on the Board's Web Site. The Board strongly recommends and encourages every licensed professional geologist to stamp and seal his/her work, regardless, even if it is combined with other work and additionally stamped and seal by others. Individually stamping and sealing your work not only identifies you as the principal investigator but also provides another gateway for the resolution of future questions. The location and method of the stamp and seal utilized by various companies on a report may vary from stamping of individual sections, the

cover letter, the transmittal letter or page; or closure page of the report. In every instance where a geologist and/or hydrogeologist has provided input into the analysis and interpretation of the data, they should stamp and seal their document and part of the report for which they are responsible. Illustrations bound within the report need not be individually stamped or sealed but should be identified as having been prepared by the individual. When the illustrations or maps are "loose", not bound, within the body of the report, they should be individually signed, stamped and/or sealed. All documents prepared for possible legal use should be sealed and every page and illustration initialed by the geologist in an appropriate footer space provided. Many professional organizations encourage signature in blue ink since it is more difficult to copy.

## ABLPG Board Members

Thornton L. (Tony) Neathery, PG1,  
Chairman  
Independent Consultant Representative  
3032 Firethorn Drive  
Tuscaloosa, AL 35405  
Office: 205-553-5466  
Fax: 205-553-6813  
E-mail: tneathery@prodigy.com

Fred Mason, PG2, Vice Chairman  
Government Representative  
2910 Ashley Avenue  
Montgomery, AL 36109  
Office: 334-271-7831  
Fax: 334-270-5631  
E-mail: FCM@adem.state.al.us

Mark Chapman, PG5, Secretary-Treasurer  
Business Representative  
Post Office Box 599, Suite 126  
Fairfield, AL 35064  
Office: 205-783-2168  
Fax: 205-783-2529  
E-mail: marancha@aol.com

David R. Bowers, Jr., PG42, Finance  
Committee  
Mining Representative  
Post Office Box 1549  
Jasper, AL 35502-1549  
Office: 205-387-0501  
Fax: 205-384-2456  
E-mail: cadecove@bellsouth.net

Roger Chapman, PG6, Finance Committee  
Petroleum Representative  
Post Office Box 649  
Brewton, AL 36427  
Office: 334-867-9044  
Fax: 334-867-5427  
E-mail: rchapman@longleafenergy.com

Mary Moran, PG3, Assistant Secretary  
Geotechnical Environmental Representative  
320 Beacon Parkway West  
Birmingham, AL 35209  
Office: 205-942-1289  
Fax: 205-942-1266  
E-mail: mmoran@gallet.com

Dr. Bob Cook, PG007, Continuing  
Education  
Academic Representative  
Auburn University  
210 Petrie Hall  
Auburn, AL 36849  
Office: 334-844-4282  
Fax: 334-844-4486  
E-mail: cookrob@mail.auburn.edu

Staff:  
Bill Little, Board Counsel  
Office of the Attorney General  
State of Alabama  
11 S. Union Street  
Montgomery, AL 36130  
Office: 334-242-4162

Keith Warren, Executive Secretary  
660 Adams Avenue, Suite 301 (36104)  
Post Office Box 175  
Montgomery, AL 36101-0175  
Office: 334-264-0730 or 334-269-9990  
Fax: 334-263-6115  
E-mail: ALGEOBD@aol.com

## EXPIRED LICENSES

Name	Expiration Date		
Stephen Lambert	8/98	Thomas Tibbs	4/99
Donald Fish (deceased)	8/98	John W. Child	4/99
Wayne Isphording	10/98	Stephen Castleman	4/99
Marc Norris	10/98	Dwight Wingo	4/99
Gerald Grainger	11/98	Gary Dunlap	5/99
Thomas Kwader	12/98	Terri Hartsfield	5/99
Richard Blair	12/98	John Herbert	5/99
Greg Hall	12/98	Andrew Frishkorn	5/99
Lester Litzinger	12/98	Michael Johnson	5/99
Harry Rush	12/98	Michael Harris	5/99
Robert Honeycutt	1/99	Ben Reeves	5/99
Darral Kirby	1/99	Troy Perry, Jr.	5/99
Charles Way, III	1/99	Mark Peterson	5/99
Michael Mullanex	2/99	Timothy Floyd	5/99
Ben Clabaugh	2/99	Ralph Hellmich	5/99
Ronald Tarbutton	2/99	Keith Jones, II	5/99
Wayne Townsend, Jr.	2/99	Michelle Lee	5/99
Robert E. Kidd	2/99	Charles McCulloch	5/99
James D. Moore	3/99	Gary Eichler	5/99
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James Messer	3/99		
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Willard Ward	3/99		
Victor Spooner	3/99		
Steven Parker	3/99		
Vernon Ashworth	3/99		
Timothy Gustafson	3/99		
Mark Bailey	3/99		
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Thomas Bambrich	3/99		
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Susan Abston	4/99		
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Larry Wilbanks	4/99		

## Committees

The Board has authorized the creation of two ad hoc committees to help the Board conduct its business – an Investigation and Enforcement Committee and a Legislative Committee.

The Investigation and Enforcement committee will work with the Board in resolving allegations of wrong doing and report to the Board when additional action is necessary.

By law the Board can not conduct investigations and then sit in judgement on the findings. We would like to have at least six individuals to serve on this committee, each from different areas of the State. If you have the time and professional interest to help the Board please contact the Executive Secretary.

The Legislative Committee would provide Legislative oversight to the Board on any pending legislation which could impact our profession and for Revision of Rules by the various State agencies. This committee would consist of three members plus a current Board Member. For convenience of work, the members should reside in the Montgomery metropolitan area but this is not a hard rule. If you have time and professional interest to help the Board please contact the Executive Secretary.

## Executive Secretary Notes

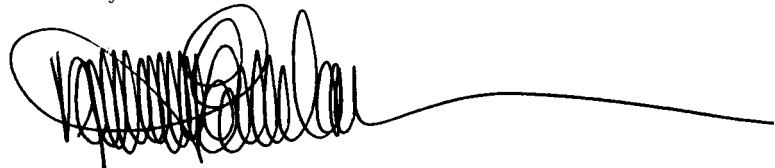
Time flies when you're having fun and I can't believe that we are actually into the renewal of licenses. It seems like yesterday we were buried with the grandfathering period. Please do not hesitate to contact us regarding the expiration date of your license if you are unsure. We are mailing renewals on a monthly basis. Remember that your continuing education requirement does not begin until after your first renewal. You are eligible to roll over fifteen (15) hours per renewal period. Do not submit any paperwork pertaining to courses you have attended until you receive a continuing education audit notice from the Board office.

There is a list of expired licenses listed in this newsletter. If your name appears, please contact the Board office to inform us of your status. If someone appears on this list that is deceased, please let us know so we can take him or her off of the mailing list.

I would like to take this opportunity to thank the licensees who forward correspondence to the Board office regarding unlicensed geologists working in the state. We are very fortunate to have a geology community that works together to keep everyone in compliance with the law.

Please remember we are here for you and do not hesitate to contact us if we can be of any assistance.

Cordially,



Keith E. Warren  
Executive Secretary

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*Expired Licenses*

Return Service Requested

**Alabama Geologist**  
Alabama Board of Licensure for Professional Geologists  
660 Adams Avenue, Suite 301 (36104)  
Post Office Box 175  
Montgomery, Alabama 36101-0175

Bulk Rate  
U.S. Postage  
**PAID**  
Montgomery, AL  
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